

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

In re:

CHAPTER 7  
Case No.

Dennis A. Juve  
Diane M. Juve  
Debtor

94-61844KW

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

MAY 04 1995

BARBARA A. EVERLY, CLERK

Decorah State Bank  
Plaintiff

v.

Dennis A. Juve  
Defendant

Adversary Proceeding No.  
95-6015KW

**JUDGMENT**

The issues of this proceeding having been duly considered by the Honorable Paul J. Kilburg, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: That indebtedness of the defendant, Dennis A. Juve to the plaintiff Decorah State Bank, nka Community First State Bank, is nondischargeable pursuant to 11 U.S.C. 523(2)(A), and that judgment is entered against the defendant in favor of the plaintiff in the amount of \$173,582.97, together with interest at the statutory rate from and after February 8, 1995, and the costs of this action.



[Seal of the U.S. Bankruptcy Court]  
Date of Issuance: May 4, 1995

BARBARA A. EVERLY  
Clerk of Bankruptcy Court

By: *Miriam A. Golay*  
Deputy Clerk

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MAY 04 1995

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

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|                     |   |                            |
|---------------------|---|----------------------------|
| IN RE:              | ) |                            |
|                     | ) |                            |
| DENNIS A. JUVE and  | ) | CHAPTER 7                  |
| DIANE M. JUVE,      | ) | CASE NO. 94-61844KW        |
|                     | ) |                            |
| Debtors.            | ) |                            |
| -----               | ) |                            |
|                     | ) |                            |
| DECORAH STATE BANK, | ) | ADVERSARY NO. 95-6015KW    |
|                     | ) |                            |
| Plaintiff,          | ) |                            |
|                     | ) | ORDER FOR DEFAULT JUDGMENT |
| vs.                 | ) |                            |
|                     | ) |                            |
| DENNIS A. JUVE,     | ) |                            |
|                     | ) |                            |
| Defendant.          | ) |                            |

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Now on this 3 day of May, 1995, the Court having reviewed the Motion for Default Judgment filed by the Plaintiff on April 17, 1995, and being fully advised in the premises,

FINDS: That the Adversary Complaint in the matter was filed February 8, 1995, and the Defendant, Dennis A. Juve, accepted service of the Summons and Notice on February 22, 1995; that the Defendant withdrew his Appearance and Answer as of April 10, 1995 such that there is no defense or pleading on behalf of the Defendant of record; that this Court has jurisdiction both of the subject matter and the Defendant; that attached to the Motion for Default Judgment is an Affidavit of Mr. John Hess of Decorah State Bank which sets forth the factual background supporting the nondischargeability of the debt of the Defendant to Decorah State Bank and sets forth in detail the amount of damages;

THE COURT FURTHER FINDS that a Motion for Default Judgment

was duly served upon the Defendant and his counsel; that the Defendant is not now in the military service nor under Order to report for induction for military service.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the indebtedness of the Defendant, Dennis A. Juve, to the Plaintiff, Decorah State Bank, n/k/a Community First State Bank, is nondischargeable pursuant to 11 U.S.C. 523(2)(A), and that judgment be entered against the Defendant in favor of the Plaintiff in the amount of \$173,582.97, together with interest at the statutory rate from and after February 8, 1995, and the costs of this action.



Paul J. Kilburg  
Judge, U.S. Bankruptcy Court

**BARBARA A. EVERLY, CLERK**

MAY 10 1995

Northern District of Iowa

Bankruptcy Case No. 94-61844KW

## Debtors

Plaintiff

VS.

Adversary Proceeding No. 95-6015KW

DENNIS A. JUVE.

Defendant

## BILL OF COSTS

Notice is given that the following Bill of Costs will be presented to the bankruptcy clerk at the following place and time:

|         |  |               |                    |
|---------|--|---------------|--------------------|
| Address | 300 The Center, 425 Second St. SE<br>P. O. Box 74890<br>Cedar Rapids, IA 52407 | Room          | 800                |
|         |  | Date and Time | 5/19/95 11:00 a.m. |

Judgment was entered in the above entitled action on May 14, 1995 against Dennis A. Juve  
(date) (date)

The clerk of the bankruptcy court is requested to tax the following as costs:

|  |           |
|--|-----------|
| Fees of the clerk .....  | \$ 120.00 |
| Fees for service of summons and complaint .....  | \$ _____  |
| Fees of the court reporter for any and all part of the transcript necessarily obtained for use in the case ..... | \$ _____  |
| Fees and disbursements for printing .....  | \$ _____  |
| Fees for witnesses (itemized on reverse) .....   | \$ _____  |
| Fees for exemplifications and copies of papers necessarily obtained for use in this case .....                   | \$ _____  |
| Docket fees under 28 U.S.C. § 1923 .....   | \$ _____  |
| Costs incident to taking of depositions .....  | \$ _____  |
| Costs as shown on Mandate of appellate court .....   | \$ _____  |
| Other costs [Please itemize] .....   | \$ _____  |

TOTAL \$ 120.00

I, attorney for Decorah State Bank, n/k/a Community First State Bank declare under penalties of perjury that the  
(name of party)

foregoing costs are correct and were necessarily incurred in this action, that the services for which fees have been charged were actually and necessarily performed, and that a copy of this Bill of Costs was mailed this day with postage fully prepaid to:

Name and Address of Judgment Debtor

Dennis A. Juve  
1404 Skyline Drive  
Decorah, IA 52101

Douglas M. Henry  
200 Security Building  
Dubuque, IA 52001-6832  
Attorney for Dennis A. Juve

5-9-85

Date \_\_\_\_\_

*Signature of Attorney* Richard Hansen

COSTS ARE TAXED IN THE FOLLOWING AMOUNT AND INCLUDED IN THE JUDGMENT: \$ 120.00

BARBARA A. EVERLY

Clerk of the Bankruptcy Court

Date May 19, 1995

*Clerk of the Bankruptcy Court*  
*Savannah Evans*  
 XXXXXXXX

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Copy to Douglas Henry, Richard Hansen, Dennis Juve, U.S. Trustee this May 17, 1973  
*Wm. J. G. Hylton*  
 Deputy Clerk, Bankruptcy Court.

JUN 14 1995


UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

|                             |   |                         |
|-----------------------------|---|-------------------------|
| IN RE:                      | ) |                         |
|                             | ) |                         |
| DENNIS A. JUVE and          | ) | CHAPTER 7               |
| DIANE M. JUVE,              | ) | CASE NO. 94-61844KW     |
|                             | ) |                         |
| Debtors.                    | ) |                         |
| -----                       | ) |                         |
|                             | ) |                         |
| DECORAH STATE BANK, n/k/a   | ) | ADVERSARY NO. 95-6015KW |
| Community First State Bank, | ) |                         |
|                             | ) |                         |
| Plaintiff,                  | ) |                         |
|                             | ) | PRAECIPE FOR WRIT OF    |
| vs.                         | ) | GENERAL EXECUTION       |
|                             | ) |                         |
| DENNIS A. JUVE,             | ) |                         |
|                             | ) |                         |
| Defendant.                  | ) |                         |

TO THE BANKRUPTCY CLERK OF COURT:

COMES NOW the Plaintiff, by counsel of record, and hereby respectfully requests that the Clerk issue a Writ of General Execution to the Sheriff in and for Winneshiek County, Iowa for the garnishment of all funds due the Defendant, Dennis A. Juve, from Dennis Knutson, 807 Vernon Street, Decorah, Iowa 52101.

  
Richard Hansen 000002085  
for  
STREVER & HANSEN  
3722 Cedar Heights Drive  
P.O. Box 607  
Cedar Falls, IA 50613  
(319)277-1610

Attorneys for the Plaintiff

| <b>WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)</b> |  |  |   |  |   |  |                                    |
|--|--|--|---|--|---|--|------------------------------------|
| <b>NAME AND RESIDENCE</b>  | <b>ATTENDANCE<br/>Total<br/>Days      Cost</b> |  | <b>SUBSISTENCE<br/>Total<br/>Days      Cost</b> |  | <b>MILEAGE<br/>Total<br/>Miles     Cost</b> |  | <b>Total Cost<br/>Each Witness</b> |
|  |  |  |   |  |   |  |                                    |
|  |  |  |   |  | <b>TOTAL</b>                                |  |                                    |

、\*

**Section 1924, Title 28, U.S. Code provides:**  
 "Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

### Bankruptcy Rule 7054(b)

**Bankruptcy Rule 7054(b)**  
 "COSTS. The court may allow costs to the prevailing party except when a statute of the United States or these rules otherwise provides. Costs against the United States, its officers and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice; on motion served within five days thereafter, the action of the clerk may be reviewed by the court."

**Bankruptcy Rule 9006(f)**  
 “ADDITIONAL TIME AFTER SERVICE BY MAIL. When there is a right or requirement to do some act or undertake some proceeding within a prescribed period after service of a notice or other paper and the notice or paper other than process is served by mail, three days shall be added to the prescribed period.”

"Entry of the judgment shall not be delayed for the taxing of costs."

YOU MUST CALL the Clerk at 319/362-9696 to obtain a time for this to be set....  
DO NOT SERVE, or send to Clerk's Office, WITHOUT HAVING OBTAINED A DATE & TIME.  
\*Also, your affidavit must be attached. Include Military statement..

Affidavit regarding military service attached to the Motion for Default Judgment.

**NOTE: →**

**NOTE: →**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

|                             |   |                                |
|-----------------------------|---|--------------------------------|
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| DENNIS A. JUVE and          | ) | CHAPTER 7                      |
| DIANE M. JUVE,              | ) | BANKRUPTCY CASE NO. 94-61844KW |
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| -----                       | ) |                                |
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| Community First State Bank, | ) |                                |
|                             | ) |                                |
| Plaintiff,                  | ) |                                |
| vs.                         | ) |                                |
|                             | ) |                                |
| DENNIS A. JUVE,             | ) |                                |
|                             | ) |                                |
| Defendant.                  | ) |                                |

**WRIT OF GENERAL EXECUTION TO THE WINNESHIEK COUNTY SHERIFF**

|  |                         |
|--|-------------------------|
| Name and Address of Judgment Creditor: | Amount of Judgment:     |
| Decorah State Bank,                    | \$ <u>173,582.987</u>   |
| n/k/a Community First State Bank       | Clerk's Fee:            |
| P.O. Box 110                           | \$ _____                |
| Decorah, IA 52101                      | Other Costs:            |
|  | \$ _____                |
| Name and Address of Judgment Debtor:   | Interest From:          |
| Dennis A. Juve                         | <u>February 8, 1995</u> |
| 1404 Skyline Drive                     | \$ _____                |
| Decorah, IA 52101                      | Costs of this writ:     |
|  | \$ _____                |

**TO THE SHERIFF OF WINNESHIEK COUNTY:**

You are directed to levy upon Dennis Knutson, 807 Vernon Street, Decorah, Iowa 52101, any and all funds payable or to be paid to Dennis A. Juve for any reason, including but not limited to, any and all sums due by reason of lease of farm land from Dennis A. Juve to satisfy a judgment in accordance with the attached instructions.

**TO THE JUDGMENT DEBTOR:**

You are notified that federal and state exemptions may be available to you and that you have a right to seek a court order releasing as exempt any property specified in the Sheriff's schedule from the levy.

Date

June 14, 1995

Barbara A. Eerk  
Clerk of the Bankruptcy Court

*original to Richard Hansen attorney for Plaintiff 6/14/95*

**SHERIFF'S RETURN**

I received this Writ on \_\_\_\_\_, 1995, and  
executed the same on \_\_\_\_\_, 1995.

\_\_\_\_\_  
Winneshiek County Sheriff

By: \_\_\_\_\_  
Deputy Sheriff



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NORTHERN DISTRICT OF IOWA

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By: *William A. Golay*  
Deputy Clerk

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